

Meeting Date: 11/20/08

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 6B



Date: November 20, 2008

To: City Manager for Council Action

From: City Manager

Subject: Creation of an Amendment to City Council Minutes for the Meeting of November 16, 2004 re: Council Member Dominic Caserta Abstaining on the Vote re: Mills Act Contract for his Primary Residence Located at 936 Fremont Street, Santa Clara, CA

EXECUTIVE SUMMARY:

At the City Council meeting on November 18, 2008, Council Member Dominic Caserta submitted an Agenda Report to the Council requesting a correction to the minutes of November 16, 2004. In his memorandum, Council Member Caserta presented factual information that supported his statement that he abstained from voting on the Agenda item that referenced a Mills Act contract for his property at 936 Fremont Street. Council Member Dominic Caserta left the dais during the discussion at the November 18, 2008 City Council meeting when his request for correction was discussed and acted on by Council.

After discussion, Council voted (4 in favor; 2 against; Council Member Dominic Caserta abstained) on the following motion "Council to authorize the creation of amended minutes for the November 16, 2004 City Council meeting minutes to reflect that Council Member Dominic Caserta abstained from voting on the Mills Act Contract relating to his property."

The City Clerk/City Auditor has prepared an amendment to the minutes for City Council's review and approval at the November 25, 2008 Council meeting.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Per City Council direction, the minutes have been amended.

ECONOMIC/FISCAL IMPACT:

There is no economic impact to this report.

RECOMMENDATION:

Based on Council's action at the November 18, 2008 City Council meeting, the City Clerk has created an amendment to the November 16, 2004 City Council minutes to reflect that Council Member Dominic Caserta abstained on the Council vote to "... authorize an increase to ten of the limit of Mills Act Contracts approved per calendar year and the addition of 936 Fremont Street to the Santa Clara List of Architecturally

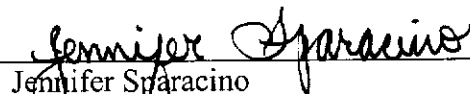
Mayor and City Council for Action

Subject: Creation of an Amendment to City Council Minutes for the Meeting of November 16, 2004 re:
Council Member Dominic Caserta Abstaining on the Vote re: Mills Act Contract for his Primary Residence
Located at 936 Fremont Street, Santa Clara, CA

November 20, 2008

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or Historically Significant Properties and approve and authorize the City Manager to execute a Historic
Property Preservation Agreement (Mills Act) with Dominic Caserta for 936 Fremont Street.”



Jennifer Sparacino
City Manager

Documents Related to this Report:

- 1) Proposed Amended Minutes of the City Council of the City of Santa Clara for meeting held on Tuesday evening, November 16, 2004***

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MINUTES OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA
FOR MEETING HELD ON TUESDAY EVENING, NOVEMBER 16, 2004

AS AMENDED NOVEMBER 25, 2008

The City Council of the City of Santa Clara met at 6:30 p.m. for a Closed Session, on the above-mentioned date, in the Council Conference Room pursuant to Government Code Section 54957.6 regarding City Negotiator: City Manager Jennifer Sparacino (or her designee); Employee Organization(s): Unit #3-International Brotherhood of Electrical Workers (IBEW), Local Union 1245.

The Council then met at 7:05 p.m. for the regular session in the City Hall Council Chambers. The meeting was opened with the recitation of the Pledge of Allegiance and the reading of an Invocation-Prayer.

Present: Council Members Dominic J. Caserta, Rod Diridon, Jr., Patrick Kolstad, John L. McLemore and Aldyth Parle and Mayor Patricia M. Mahan. Absent: Council Member Jamie L. Matthews.

Staff present: City Manager, Assistant City Manager, City Planner, Director of Public Works, City Attorney and City Clerk.

MOTION was made by Diridon, seconded and unanimously carried (Matthews absent), that the Council **excuse** Council Member Matthews from attendance at this evening's meeting.

MOTION was made by Caserta, seconded and unanimously carried (Matthews absent), that the Minutes for the meeting of September 28, 2004 be adopted as written

MOTION was made by Caserta, seconded and unanimously carried (Matthews absent), that the Council **refer** back to the Convention Center Liaison Committee for a meeting in January 2005 consideration of the City Manager's memo (11/12/04) regarding the Convention Center Liaison Committee recommendation to support Convention Center Partnership (not exclusive) with International Alliance of Theatrical Stage Employees (I.A.T.S.E.).

As a Special Order of Business, the Council proceeded with the recognition of Paul Perotti for his ten years of leadership as Superintendent for the Santa Clara Unified School District. The Mayor introduced the item and reviewed some of the joint-effort projects of the City and the School District as outlined in the City Manager's memo (11/10/04). The City Manager informed the audience that Mr. Perotti provided dynamic, innovative and dedicated leadership during his ten years with the School District. Individual Council Members praised Mr. Perotti for his service. Mr. Perotti addressed the Council and thanked the Council and City staff for the support and collaboration efforts. The Mayor presented Mr. Perotti with a plaque in recognition of his service. Photographs were taken.

The Council recessed at 7:15 p.m. for refreshments and reconvened at 7:30 p.m.

Also as a Special Order of Business, the Council proceeded with the recognition of Andrew Ratermann in appreciation of his service on the Historical and Landmarks Commission. The City Manager reviewed the Director of Planning and Inspection's memo (11/2/04) regarding Mr. Ratermann's accomplishments. The Mayor presented him with a Certificate of Recognition and a Letter of Commendation. Mr. Ratermann addressed the Council and thanked the Council for the opportunity to serve on the Commission.

Also as a Special Order of Business, the Council proceeded with the distribution of the 2004 Art and Wine Festival proceeds totaling \$45,000. The Director of Parks and Recreation gave background information on the festival and thanked all the volunteers that worked at the Festival. The Chairperson of the Parks and Recreation Commission, Julie Frazier, presented the City Manager with flowers in recognition of the City Manager receiving the International City/County Management Association's Award for Career Excellence. Ms. Frazier introduced the Parks and Recreation Commissioners that were present in the audience. She presented checks to representatives of the following designated nonprofit organizations: Santa Clara Police Activities League - \$13,000, Santa Clara Schools Foundation - \$13,000, Friends of Santa Clara Parks and Recreation - \$13,000, Santa Clara High School Grad Night Committee - \$3,000 and Wilcox High School Grad Night Committee - \$3,000. Photographs were taken.

Also as a Special Order of Business, the Council proceeded with the Electric Utility Strategic Plan Status Report for the Third Quarter 2004. The Director of Electric Utility reviewed her memo (11/5/04) and gave an electronic presentation regarding Patrons/Customers, Prices/Rates/Revenues, Power/Power Trading, Programs, Projects, Processes, People/Personnel, Partnerships/Joint Action, Political/Industry/Legislative Issues and Performance/Reliability.

MOTION was made by Diridon, seconded and carried with Caserta abstaining (owns property at 936 Fremont Street) (Matthews absent), that, per the Director of Planning and Inspection (9/17/04), the Council authorize an increase to ten of the limit of Mills Act Contracts approved per calendar year and the addition of 936 Fremont Street to the Santa Clara List of Architecturally or Historically Significant Properties and approve and authorize the City Manager to execute a Historic Property Preservation Agreement (Mills Act) with Dominic Caserta for 936 Fremont Street.

MOTION was made by Parle, seconded and unanimously carried (Matthews absent), that, per the Director of Water and Sewer Utilities (11/1/04) and the Assistant Director of Water Utility (11/3/04), the Council approve the use of City forces for the installation of facilities at 3775 Eastwood Circle and 1995 Benton Street (Solar Utility) and 505 Laurelwood Road (Water).

MOTION was made by Parle, seconded and unanimously carried (Matthews absent), that, per the Director of Public Works (11/8/04), the Council adopt Resolution No. 7178 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, ESTABLISHING CERTAIN PARKING RESTRICTIONS" which establishes a No Parking for Commercial Vehicles in excess of 20 feet in length zone on both sides of Bassett Street, south of Norman Avenue.

MOTION was made by Parle, seconded and unanimously carried (Matthews absent), that, per the Director of Public Works (11/8/04), the Council adopt Resolution No. 7179 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, ESTABLISHING CERTAIN PARKING REGULATIONS" which resolution repeals Section 1.a of Resolution No. 6686, Section 2.b of Resolution No. 6264 and Section 1.b of Resolution No. 6972 which established Disabled Parking zones on Janice Drive, Monroe Street and Harrison Street, respectively.

MOTION was made by Parle, seconded and unanimously carried (Matthews absent), that, per the Director of Public Works (11/8/04), the Council **accept** \$50,000 from Rivermark Partners as an in-lieu payment and **approve** an appropriation to the Engineering Capital Outlay (account 001-4442-88040-(I)6711) for the purchase of a large-scale scanner, printer system, server and installation and estimated revenue of \$50,000.

MOTION was made by Parle, seconded and unanimously carried (Matthews absent), that, per the Director of Electric Utility (11/8/04), the Council **approve** the request submitted by Senior Electric Utility Engineer Bansi Tikku to accrue over the maximum vacation hours without penalty.

MOTION was made by Parle, seconded and unanimously carried (Matthews absent), that, per the Director of Public Works (11/8/04), the Council **approve** the Plans and Specifications for the Fire Station 3 Replacement Project (CE 04-05-01) and **authorize** minor modifications and to advertise for bids.

MOTION was made by Parle, seconded and unanimously carried (Matthews absent), that, per the Acting Director of Finance (11/8/04), the Council **accept** the Santa Clara Convention Center and Convention/Visitors Bureau First Quarter activity report as submitted by the Chamber of Commerce.

MOTION was made by Parle, seconded and unanimously carried (Matthews absent), that, per the Director of Electric Utility (11/8/04), the Council **authorize** additional delegation to the City Manager to negotiate and execute change orders to Public Works Contract 2373A for the construction of the Northern Receiving Station 230kV Transmission Project in an amount not to exceed \$1,114,400.

MOTION was made by Parle, seconded and unanimously carried (Matthews absent), that, per the City Clerk/City Auditor (11/9/04), the Council **note and file** the Departmental Activity Report for the month of September 2004.

MOTION was made by Parle, seconded and unanimously carried (Matthews absent), that, per the City Clerk/City Auditor (11/4/04), the Council **note and file** the Departmental Activity Report for the month of August 2004.

MOTION was made by Parle, seconded and unanimously carried (Matthews absent), that, per the City Clerk/City Auditor (10/12/04), the Council **accept** the resignation of Chris Stampolis from the Planning Commission effective December 9, 2004; **declare** a vacancy on the Commission for the term ending June 30, 2006; **set** Wednesday, January 19, 2005 at 5:00 p.m. as the deadline for the receipt of applications, with interviews to be held at the regular Council meeting on Tuesday, January 25, 2005; and **set** a Special Order of Business on December 14, 2004 for promotion of the vacancy and January 11, 2005 to recognize Mr. Stampolis in appreciation for his service on the Commission.

MOTION was made by Parle, seconded and unanimously carried (Matthews absent), that, per the Director of Finance (9/21/04), the Council **approve** and authorize the City Manager to execute an Agreement for Insurance Compliance Services with Jenquest, Inc., dba Insurance Data Services, in an amount not to exceed \$80,000 for three years to provide monitoring of insurance compliance of City contracts.

MOTION was made by Parle, seconded and unanimously carried (Matthews absent), that the Council **note and file** the following Informational Memos: Status Update Report on the Public Benefits Charge Program (Director of Electric Utility - 11/8/04); Update on the Green Rate Program (Director of Electric Utility - 11/8/04) and Announcement of Public Forum to Discuss the Valley Transportation Plan 2030 (VTP 2030) at County of Santa Clara Board of Supervisors' November 23, 2004 Meeting (Public Communications Manager - 11/12/04).

MOTION was made by Parle, seconded and unanimously carried (Matthews absent), that, per the Director of Planning and Inspection (11/8/04), the Council **approve**, subject to conditions, the request submitted by Corporate Motors for a Special Permit for a car sale in the Mission College parking lot at 3000 Mission College Boulevard on November 19-20, 2004 (PLN2004-04691).

The Council proceeded to consider the Written Petition (11/3/04) submitted by R. F. Muraca, International Brotherhood of Electrical Workers Unit #3 (IBEW) to address the Council regarding rubber gloving and contract ratification. The City Manager briefly reviewed the Written Petition and defined "rubber gloving". She referred to the Director of Human Resources' memo (11/10/04) and recommendation to refer the Written Petition to the City Manager to be channeled through the

proper procedures, which is the City's Labor Negotiator and Lynne Morel, the legally designated Business Agent for IBEW Local 1245 Unit #3 employees and to note and file the request.

Mr. Muraca addressed the Council and reviewed his request. Lineman Bob Burkle addressed the Council regarding Article 13 of the old and new Memorandum of Understanding (MOU) and the unfair unit vote on rubber gloving. Steven Suess and Craig Lindquist, Harry Janson, Terry Holopirek, George Tway and Scott Johnson addressed the Council regarding the negotiation process. The City Manager responded to statements made. A Council discussion followed. Doug Baldanzi and Bob Burkle addressed the Council on behalf of the negotiating team. **MOTION** was made by Parle, seconded and unanimously carried (Matthews absent), that the Council **refer** the matter to the City Manager for informal labor management discussions (not meet and confer).

The Council proceeded to consider the recommendations contained in the Minutes of the Architectural Committee for the meeting of November 3, 2004 regarding the Committee's recommendation to alter the Planned Development (PD) zoning for 45 Cabot Avenue to eliminate the City's requirement for two affordable units so that two of the four rear units may be removed allowing the remaining rear units to be lowered in overall height and to refer the project back to the Committee for further design review (Robert Schiro - PLN2004-04467). The Director of Planning and Inspection gave an electronic presentation showing the General Plan, zoning, aerial photograph, site plan, elevations and noticing process. He reviewed his memo (11/8/04) recommending that the Council determine that it cannot change the fundamental character of the PD approval at this time without initiating a rehearing process. The Mayor reported regarding the Committee's discussion. Bob McBain addressed the Council on behalf of the applicant. Judy Bares addressed the Council and requested that the building height be lowered. There being no further public input, **MOTION** was made by Diridon, seconded and carried with Parle dissenting (Matthews absent), that the Council **approve** the Committee's recommendation to alter the Planned Development (PD) zoning as referenced above and **refer** the Tentative Map revision to the City Manager and regular approval process.

MOTION was made by Caserta, seconded and unanimously carried (Matthews absent), that, per the recommendations contained in the Minutes of the Civil Service Commission for the meeting of November 8, 2004, the Council **approve** the modification of the Job Specification for Key Customer Representative and **note and file** the above-mentioned Minutes.

Joanne G. Bruna addressed the Council regarding problems with the United States Postal Service.

MOTION was made by Parle, seconded and unanimously carried (Matthews absent), that the Council **approve** the payment of Bills and Claims and Progress Payments as submitted.

There being no further business, the meeting was adjourned at 9:48 p.m. to Tuesday evening, **December 7, 2004**, at 7:00 p.m. in the City Hall Council Chambers for the regular scheduled meeting.

ATTEST: _____
City Clerk

APPROVE: _____
Mayor